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INFORMATION NOTE

from: General Secretariat of the Council
to: Permanent Representatives Committee/Council

Subject: Proposal for a Regulation of the European Parliament and of the Council
establishing an Instrument for Stability
- Outcome of the European Parliament's first reading
(Strasbourg, 9 to 12 December 2013)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure ¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

¹ OJ C 145, 30.6.2007, p. 5.

In this context, the rapporteur, Mr. Reinhard BÜTIKOFER (EFA/Greens, DE), presented a report on behalf of the Committee on Foreign Affairs, containing one compromise amendment (amendment 1) to the proposal for Regulation. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

The proposal is part of the package on External Financing Instruments together with six other proposals for Regulations that were all on the agenda of this plenary sitting: Common Implementing Rules (CIR), European Neighbourhood Instrument (ENI), Instrument for Pre-Accession Assistance (IPA II), Partnership Instrument for co-operation with third countries (PI), Instrument for Democracy and Human Rights (EIDHR) and Instrument for Development co-operation (DCI)¹.

II. VOTE

When it voted on 11 December 2013, the plenary adopted the single compromise amendment (amendment 1) to the proposal for a Regulation.

The Commission's proposal as thus amended and the legislative resolution constitute the European Parliament's position at first reading. It reflects what had been previously agreed between the three institutions. The Council should therefore be in a position to approve the position of the European Parliament, once the Legal/Linguistic Experts have examined the text. The legislative act would then be adopted in the wording which corresponds to the position of the Parliament at first reading.

The text of the amendment adopted and the European Parliament's legislative resolution are set out in the Annex. The amendment is presented in the form of a consolidated text, where changes to the Commission's proposal are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

¹ Documents 17508/13, 17519/13, 17520/13, 17525/13, 17631/13 and 17632/13.

Instrument for Stability *I**

European Parliament legislative resolution of 11 December 2013 on the proposal for a regulation of the European Parliament and of the Council establishing an Instrument for Stability (COM(2011)0845 – C7-0497/2011 – 2011/0413(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0845),
 - having regard to Article 294(2) and Articles 209(1) and 212(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0497/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 4 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development, the Committee on International Trade and the Committee on Budgets (A7-0451/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Takes note of the Commission statement annexed to this resolution;
 3. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0413

Position of the European Parliament adopted at first reading on 11 December 2013 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council establishing an Instrument *contributing to Stability and Peace*^{*}

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 209(1) and 212(2) thereof,

Having regard to the proposal from the European Commission,

*Having regard to the opinion of the Committee of Regions*¹

^{*} TEXT HAS NOT YET UNDERGONE LEGAL-LINGUISTIC FINALISATION.
¹ *OJ C 391, 18.12.2012, p. 110*

After transmission of the draft legislative act to the national *parliaments*,

Acting in accordance with the ordinary legislative procedure¹,

Whereas:

- (1) This Regulation constitutes one of the instruments providing direct support for the European Union's external policies. It will replace Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability¹ which will expire on 31 December 2013.
- (2) Preserving peace, preventing conflicts, strengthening international security and assisting populations, countries and regions confronting natural or man-made disasters are among the prime objectives of the Union's external action as *set out in, inter alia*, **Article 21** of the Treaty on European Union (*TEU*). Crises and conflicts affecting countries *and regions*, and other factors such as terrorism, organised crime, *gender-based violence*, climate change, cyber security challenges and *security* threats *emanating from* natural disasters pose a risk to **stability and security**. In order to address these issues in an effective and timely manner, specific financial resources and financing instruments are required that can work in a manner complementary to humanitarian aid and long-term cooperation instruments.

¹ Position of the European Parliament of 11 December 2013.

¹ OJ L 327, 24.11.2006, p. 1–11

- (3) *In its conclusions of 15 and 16 June 2001, the European Council endorsed the Union Programme for the Prevention of Violent Conflicts, which underlined the Union's political commitment to pursue conflict prevention as one of the main objectives of the Union's external relations, and acknowledged that development cooperation instruments can contribute to this goal* [REDACTED]. The Council conclusions [REDACTED] of 20 June 2011 restated the validity of *that Programme* as a valid *policy* basis for further [REDACTED] Union action in the *field* of conflict prevention. *In its conclusions of 17 November 2009, the Council endorsed the 'Concept on Strengthening EU Mediation and Dialogue Capacities'.*

- [REDACTED]
- (4) The Council *conclusions of 19 November 2007 on a EU response to situations of fragility and the conclusions of the Council and the Representatives of the Governments of the Member States meeting within the Council, likewise dated 19 November 2007 on security and development*, emphasised that the nexus between development and security should inform *Union* strategies and policies in order to contribute to *Policy Coherence for Development in accordance with Article 208 of the Treaty on the Functioning of the European Union (TFEU) and to the coherence of Union external action in general*. More specifically, the Council concluded that future work on security and development should include the security and development implications of climate change, environmental and natural resource management issues and migration.
- (5) The European Council approved the European Security Strategy on 12 December 2003 and *the shared analysis of its Implementation Report* on 11 December 2008. *In its communication entitled "EU Internal Security Strategy in Action: Five steps towards a more secure Europe" the Commission also noted* the importance of cooperation with third countries and regional organisations, in particular for combating multiple threats such as trafficking in human beings, *drug* trafficking and terrorism.

- (6) *In its Communication entitled 'Towards an EU response to situations of fragility – engaging in difficult environments for sustainable development, stability and peace', the Commission recognises the essential contribution made by the Union's cooperation to promoting peace and stability by addressing expressions of violence and root causes of insecurity and violent conflict, to which goals this Regulation should contribute.*
- (7) *On 8 December 2008, the Council approved a comprehensive approach to the implementation by the Union of United Nations Security Council Resolutions 1325 (2000) and 1820 (2008) on women, peace and security, recognising the close links between the issues of peace, security, development and gender equality. The Union has consistently called for the full implementation of the women, peace and security agenda as set out in relevant United Nations Security Council Resolutions, particularly the need to combat violence against women in conflict situations and to promote women's participation in peacebuilding.*
- (8) *The EU Strategic Framework and Action Plan on Human Rights and Democracy, adopted by the Council on 25 June 2012, calls for the development of operational guidance to ensure that human rights are taken into consideration in the design and implementation of counter-terrorism assistance measures and underlines that the eradication of torture or other cruel, inhuman or degrading treatment and respect for due process (including the presumption of innocence, fair trial and rights of defence) are a Union priority in the implementation of human rights.*
- (9) *Democracy and human rights have been placed at the forefront of the Union's relations with third countries and should thus be considered as principles under this Regulation.*

- (10) The European Council Declaration on Combating Terrorism of 25 March 2004 called for counter-terrorism objectives to be integrated into external assistance programmes. *The European Union Counter-Terrorism Strategy*, adopted by the Council on 30 November 2005, called for increased counter-terrorism cooperation with third countries and the United Nations. *The Council conclusions of 23 May 2011 on enhancing the links between internal and external aspects of counter-terrorism* called for the capacity of the competent authorities involved in the fight against terrorism in third countries *to be strengthened* in the strategic programming of the Instrument for Stability *established by Regulation (EC) No 1717/2006 of the European Parliament and of the Council*³.
- (11) Regulation (EC) No 1717/2006 was adopted with the objective of enabling the Union to provide a consistent and integrated response to situations of crisis and emerging crisis, to address specific *global and* trans-regional security threats and to enhance crisis preparedness. This Regulation aims at introducing a revised Instrument, building on the experience of *Regulation (EC) No 1717/2006*, in order to increase the efficiency and coherence of the Union's actions in the areas of conflict prevention and crisis response, crisis preparedness and peace-building and in addressing security threats *and challenges*.
- (12) Measures *adopted pursuant to* this Regulation *should* pursue the objectives of Article 21 *TEU* and Articles 208 and 212 *TFEU*. They may be complementary to, and should be consistent with, measures adopted by the Union in pursuit of Common Foreign and Security Policy objectives within the framework of Title V *TEU*, and measures adopted within the framework of *Part Five TFEU*. The Council and the Commission should cooperate to ensure such consistency, each in accordance with *its* respective powers.

³ *Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability (OJ L 327, 24.11.2006, p. 1).*

- (13) *This Regulation should be consistent with the provisions on the organisation and functioning of the European External Action Service ('EEAS') as established in Council Decision 2010/427/EU⁴. The Declaration by the High Representative on political accountability annexed to that Decision confirms the principles of dialogue with, consultation of, and the provision of information and reporting to the European Parliament.*
- (14) *The Commission and the EEAS, as appropriate, should hold regular and frequent exchanges of views and information with the European Parliament. In addition, according to the relevant inter-institutional agreements on the matter, the European Parliament is to be given access to documents in order for the right of scrutiny under Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵ to be exercised in an informed manner.*
- (15) *Common rules and procedures for the implementation of the Union's instruments for external action are to be laid down in Regulation (EU, Euratom) No .../.. of the European Parliament and of the Council¹² the 'Common Implementing Regulation'.*

⁴ *Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).*

⁵ *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*

¹ *Regulation (EU, Euratom) No .../.. of the European Parliament and of the Council establishing common rules and procedures for the implementation of the Union's instruments for external action*

² OJ: please insert the date, the number and the publication reference of the Regulation PE-CONS .../2013-2011/0412 (COD).

- (16) *In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. The implementing powers relating to programming and implementation measures laid down in this Regulation should be exercised in accordance with Regulation (EU) No 182/2011.*
- (17) *Taking into account the nature of those implementing acts, in particular their policy orientation nature or budgetary implications, the examination procedure should in principle be used for their adoption, except for measures of a small financial scale.*
- (18) *The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the need for a swift response from the Union, imperative grounds of urgency so require.*
- (19) *The Union should seek the most efficient use of available resources in order to optimise the impact of its external action. This should be achieved through coherence and complementarity between Instruments for external action, as well as the creation of synergies between the present Instrument, other Instruments for external action and other policies of the Union. This should further entail mutual reinforcement of the programmes devised under these Instruments.*
- (20) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States *but can rather*, by reason of the scale *or effects* of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity *as* set out in Article 5 *TEU*. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

- (21) *Given the expiry of Regulation (EU) No. 1717/2006 on 31 December 2013, this Regulation should enter into force on the day of its publication.*
- (22) *This Regulation lays down a financial envelope for the entire duration of this Regulation, which is to constitute the prime reference amount, within the meaning of point 17 of the Interinstitutional Agreement of between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management^{7*}, for the European Parliament and the Council during the annual budgetary procedure.*
- (23) *It is appropriate to align the duration of this Regulation with the Council Regulation laying down the multiannual financial framework for the years 2014-2020¹. Therefore, this Regulation should apply as from 1 January 2014,*

HAVE ADOPTED THIS REGULATION:

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OJ ...

^{*}

OJ: please insert the date and the publication reference of the Interinstitutional Agreement contained in doc. 11838/13.

¹

OJ ...

TITLE I

GENERAL PROVISIONS

Article 1

Subject-matter and objectives

1. ***This Regulation establishes an Instrument contributing to Stability and Peace which provides, for the period 2014-2020, direct support for the Union's external policies by increasing the efficiency and coherence of the Union's actions in the areas of conflict prevention, crisis preparedness and crisis response and peace-building, and in addressing global and transregional threats.***
2. The Union shall undertake development cooperation measures, as well as financial, economic and technical cooperation measures, with third countries, regional and international organisations and other *State* and *civil society* actors under the conditions set out in this Regulation.
3. ***For the purposes of this Regulation, civil society actors shall include non-governmental organisations, organisations representing indigenous peoples, local citizens' groups and traders' associations, cooperatives, trade unions, organisations representing economic and social interests, local organisations (including networks) involved in decentralised regional cooperation and integration, consumer organisations, women's and youth organisations, teaching, cultural, research and scientific organisations, universities, churches and religious associations and communities, the media and any non-governmental associations and private and public foundations likely to contribute to the development or the external dimension of internal policies. Other bodies or actors not listed in this paragraph may be financed when this is necessary in order to achieve the objectives of this Regulation.***

4. **The specific objectives** of this Regulation shall be:
- (a) in a situation of crisis or emerging crisis, to swiftly contribute to stability by providing an effective response **designed** to help preserve, establish or re-establish the conditions essential to the proper implementation of the Union's **external policies and actions in accordance with Article 21 TEU**;
 - (b) to **contribute to the prevention of conflicts and to ensuring capacity and preparedness** to address pre- and post-crisis situations and build peace; **and**
 - (c) to address specific global and trans-regional threats **to peace, international security and stability**.

Article 2

Consistency and complementarity of Union assistance

1. The Commission shall ensure that measures adopted **pursuant to** this Regulation are consistent with the Union's overall strategic policy framework for the partner **countries**, and in particular with the objectives of the **measures** referred to in paragraph 2, as well as with other relevant Union measures.
2. Measures **adopted pursuant to** this Regulation may be complementary to, and shall be consistent with, measures adopted under Title V **TEU and Part V TFEU**. **Measures adopted pursuant to this Regulation shall duly take into consideration the views of the European Parliament**.

3. Union assistance under this Regulation shall be complementary to that provided for under
■ Union instruments for external assistance, shall be provided only to the extent that an adequate and effective response cannot be provided under those instruments, ***and shall be planned and implemented in such a way as to achieve continuity of actions under those instruments, where applicable.***
4. ***The following cross-cutting issues shall be included, where possible, including in programming:***
- (a) ***the promotion of democracy and good governance;***
 - (b) ***human rights and humanitarian law, including children's rights and the rights of indigenous peoples;***
 - (c) ***non-discrimination;***
 - (d) ***gender equality and the empowerment of women;***
 - (e) ***conflict prevention, and***
 - (f) ***climate change.***
5. Activities ***falling within the scope of Council Regulation (EC) No 1257/96¹ and Decision (EU) No.....of the European Parliament and of the Council² which are*** eligible for funding ***under those legislative acts shall*** not be funded under this Regulation.

¹ ***Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid (OJ L 163, 2.7.1996, p. 1).***

² ***Decision (EU) No.....of the European Parliament and of the Council on a Union Civil Protection Mechanism (OJ L ...).***

6. In order to enhance the effectiveness and **complementarity** of Union and national assistance measures and to prevent double funding, the Commission shall promote close coordination among Union activities and with those of the Member States both at decision-making level and on the ground. To that end, the Member States and the Commission shall operate a system for exchanging information. **The Commission may take initiatives to promote such coordination. In addition, the Commission shall ensure coordination and cooperation with multilateral, regional and sub-regional organisations and other donors.**

TITLE Ia

TYPES OF UNION ASSISTANCE

Article 3

Assistance in response to situations of crisis or emerging crisis to prevent conflicts

1. **The Union shall provide** technical and financial assistance in pursuit of the specific objectives set out in point (a) of Article 1(4) in response to **the following exceptional and unforeseen situations:**
- (a) a situation of urgency, crisis or emerging crisis,
 - (b) a situation posing a threat to democracy, law and order, the protection of human rights and fundamental freedoms, or the security and safety of individuals, **in particular those exposed to gender-based violence in situations of instability**, or
 - (c) a situation threatening to escalate into armed conflict or to severely destabilise the third country or countries concerned.

Such measures may also address situations where the Union has invoked the essential elements clauses of international agreements in order to suspend, partially or totally, cooperation with third countries.

2. ***The technical*** and financial assistance referred to in paragraph 1 may cover the ***following areas:***

- (a) support, through the provision of technical and logistical assistance, for the efforts undertaken by international and regional organisations and ***by State and civil society*** actors in promoting confidence-building, mediation, dialogue and reconciliation;
- (b) ***support for the implementation of the United Nations Security Council Resolutions on women, peace and security, in particular in fragile, conflict and post-conflict countries;***
- (c) support for the establishment and functioning of interim administrations mandated in accordance with international law;
- (d) support for the development of democratic, pluralistic ***State*** institutions, including measures to enhance the role of women in such institutions, effective civilian administration and ***civilian*** oversight over the security system, ***as well as*** measures to strengthen the capacity of law -enforcement and judicial authorities involved in the fight against terrorism, organised crime and all forms of illicit trafficking;
- (e) support for international criminal tribunals and ad hoc national tribunals, truth and reconciliation commissions, and mechanisms for the legal settlement of human rights claims and the assertion and adjudication of property rights, established in accordance with international ***standards in the fields of*** human rights and ***of the*** rule of law ;

- (f) support for measures necessary to start the rehabilitation and reconstruction of key infrastructure, housing, public buildings and economic assets, *and* essential productive capacity, as well as other measures for the re-starting of economic activity and the generation of employment and the establishment of the minimum conditions necessary for sustainable social development;
- (g) support for civilian measures related to the demobilisation and reintegration of former combatants *and their families* into civil society, and where appropriate their repatriation, as well as measures to address the situation of child soldiers and female combatants;
- (h) support for measures to mitigate the social effects of restructuring ■ the armed forces;
- (i) support for measures to address, within the framework of Union cooperation policies and their objectives, the socio-economic impact on the civilian population of anti-personnel landmines, unexploded ordnance or explosive remnants of war. *Activities* financed under this Regulation ■ *may* cover, *inter alia*, risk education ■ , mine detection and clearance and, in conjunction therewith, stockpile destruction;
- (j) support for measures to combat, within the framework of Union cooperation policies and their objectives, the illicit use of and access to firearms, small arms and light weapons ■ ;
- (k) support for measures to ensure that the specific needs of women and children in crisis and conflict situations, including their exposure to gender-based violence, are adequately met;
- (l) support for the rehabilitation and reintegration of the victims of armed conflict, including measures to address the specific needs of women and children;
- (m) support for measures to promote and defend respect for human rights and fundamental freedoms, democracy and the rule of law, and the related international instruments;

- (n) support for socio-economic measures to promote equitable access to, and transparent management of, natural resources in a situation of crisis or emerging crisis, **including peace-building**;
 - (o) support for ■ measures to address the **potential** impact of sudden population movements **with relevance to the political and security situation**, including measures addressing the needs of host communities in a situation of crisis or emerging crisis, **including peace-building**;
 - (p) support for measures to support the development and organisation of civil society and its participation in the political process, including measures to enhance the role of women in such processes and measures to promote independent, pluralist and professional media;
 - (q) support for measures in response to natural or man-made disasters **which pose a threat to stability**, and **to** threats to public health **linked to pandemics**, in the absence of, or **by way of complement to**, Union humanitarian and civil protection assistance.
3. **In the situations referred to in paragraph 1**, the Union may also provide technical and financial assistance not expressly covered by the specific areas of assistance set out in paragraph 2. Such assistance shall be limited to Exceptional Assistance Measures as referred to in Article 7(2) which **fulfil all of the following conditions**:
- (a) **they** fall within both the general scope **of this Regulation** and the specific **objectives** set out in **point (a) of** Article 1(4),
 - (b) **they** are limited in duration to the period laid down in Article 7(2), ■
 - (c) **they** would normally be eligible under other **Union** instruments for external assistance or the other components of this **Regulation**, **but, because of the need to respond rapidly to the situation**, **they** should be addressed through crisis or emerging crisis measures.

Article 4

Assistance for conflict prevention, crisis preparedness and peace-building

1. The Union shall provide technical and financial assistance in pursuit of the specific **objectives** set out in point (b) of Article 1(4). **Such** technical and financial assistance **shall** cover support for measures aimed at building and strengthening the capacity of the **Union** and its partners to prevent conflict, build peace and address pre- and post-crisis needs in close coordination with **the United Nations and other** international, regional and sub-regional organisations, **■** and **State and civil society** actors, in relation to their efforts in:
 - (a) promoting early warning **■** and **conflict**-sensitive risk analysis in policy -making **and implementation**;
 - (b) facilitating **and building capacity in** confidence-building, mediation, **dialogue** and reconciliation, with particular regard to emerging inter-community tensions;
 - (c) strengthening capacities **for participation and deployment** in civilian **stabilisation** missions;
 - (d) improving post-conflict **recovery as well as** post-disaster recovery **with relevance to the political and security situation**;
 - (e) **curbing the use of natural resources to finance conflicts, and supporting compliance by stakeholders with initiatives such as the Kimberley Process Certification Scheme, especially as regards the implementation of efficient domestic controls over the production of, and trade in, natural resources.**
2. Measures under this **Article** shall include know-how transfer, the exchange of information and best practices, risk/threat assessment, research and analysis, early warning systems, training , and service delivery. **They shall contribute to the further development of a structural dialogue on peace-building issues.** Measures may also include financial and technical assistance for the implementation of peace -building and **State**-building support actions.

Article 5

Assistance in addressing global and transregional threats *and emerging threats*

The Union shall provide technical and financial assistance in pursuit of the specific *objectives* set out in point (c) of Article 1(4) in the *following* areas:

- (a) threats to law and order, to the security and safety of individuals, to critical infrastructure and to public health;

Assistance shall cover support for measures aimed at:

- (i) strengthening the capacity of law -enforcement and judicial and civil authorities involved in the fight against terrorism, organised crime, *including cyber-crime*, and all forms of illicit trafficking and in the effective control of illegal trade and transit.

Priority shall be given to trans-regional cooperation involving two or more third countries which have demonstrated a clear political will to address the **■** problems *arising*. Cooperation in the fight against terrorism may also be conducted with individual countries, regions or international, regional and sub-regional organisations;

Measures in this area shall place particular emphasis on good governance and shall be in accordance with international law;

With regard to assistance to authorities involved in the fight against terrorism, priority shall be given to supporting measures concerning the development and strengthening of counter-terrorism legislation, the implementation and practice of financial law, of customs law and of immigration law, the development of law - enforcement procedures aligned with the highest international standards *and in compliance with international law*, the strengthening of democratic control and institutional oversight mechanisms, and the prevention of *violent* radicalism;

With regard to assistance relating to the problem of drugs, due attention shall be given to international cooperation aimed at promoting best practices relating to the reduction of demand, production and harm.

- (ii) addressing threats to critical infrastructure, which may include international transport, including passenger and freight traffic, energy operations and energy distribution, and electronic information and communication networks.

Measures adopted in this area shall place particular emphasis on trans-regional cooperation and the implementation of international standards in the fields of risk awareness, vulnerability analysis, emergency preparedness, alert and consequence management;

- (iii) ensuring an adequate response to major threats to public health, including sudden epidemics with a potential trans-national impact;

■

- (iv) addressing global and trans-regional effects of climate change having a potentially destabilising impact on peace and security.

- (b). mitigation of and preparedness against risks, **whether** of an intentional, accidental or natural origin, related to chemical, biological, radiological and nuclear materials or agents;

Assistance shall cover support for measures aimed at:

- (i) **promoting** civilian research activities as an alternative to defence-related research;
- (ii) enhancing safety practices related to civilian facilities where sensitive chemical, biological, radiological and nuclear materials or agents are stored, or are handled in the context of civilian research programmes;
- (iii) **supporting**, within the framework of Union cooperation policies and their objectives, the establishment of civil infrastructure and relevant civilian studies necessary for the dismantlement, remediation or conversion of weapons-related facilities and sites where these are declared **to be** no longer **part of** a defence programme;

- (iv) strengthening the capacity of the competent civilian authorities involved in the development and enforcement of effective control of illicit trafficking in chemical, biological, radiological and nuclear materials or agents (including the equipment for their production or delivery) ;
- (v) *developing* the legal framework and institutional capacities for the establishment and enforcement of effective export controls on dual-use goods, including regional cooperation measures .
- (vi) the development of effective civilian disaster-preparedness, emergency planning, crisis response, and capabilities for clean-up measures .

TITLE II

PROGRAMMING AND IMPLEMENTATION

Article 6 General framework

Union assistance shall be implemented in accordance with the Common Implementing Regulation and through the following programming documents and financial implementation measures:

- (a) Exceptional Assistance Measures and Interim Response Programmes;
- (b) Thematic Strategy Papers and Multiannual Indicative Programmes;
- (c) Annual Action Programmes, Individual Measures *and Special Measures*;
- (d) *Support Measures*.

Article 7

Exceptional Assistance Measures and Interim Response Programmes

1. Union assistance under Article 3 shall be carried out through Exceptional Assistance Measures and ■ Interim Response Programmes.
2. The Commission may adopt Exceptional Assistance Measures in ■ *situations* ■ as referred to in Article 3(1) *and* (3). Such *a* measure ■ may have a duration of up to 18 months, *which* may be extended twice ■ by a further *period of up to* six months, up to *a* maximum of 30 months, in the *event* of objective and unforeseen obstacles to *its* implementation, provided that *there is no increase in* the financial amount of the measure.

In cases of protracted crisis and conflict, the Commission may adopt a second Exceptional Assistance Measure *the duration of which may be up to 18 months*.

The duration of the Exceptional Assistance Measure referred to in the first subparagraph combined with that of referred to in the second subparagraph shall not exceed 36 months.

3. Where an Exceptional Assistance Measure *costs* more than EUR 20 000 000, *it* shall be adopted in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation.

4. The Commission may adopt Interim Response Programmes in accordance with the *examination* procedure *referred to in Article 15(3) of the Common Implementing Regulation* with a view to establishing or re-establishing the essential conditions necessary for the effective implementation of the Union's external cooperation policies. Interim Response Programmes shall build on Exceptional Assistance Measures.
5. Before adopting or *extending* Exceptional Assistance Measures costing up to EUR 20 000 000, the Commission shall inform the Council of their nature *and* objectives and *of* the financial amounts envisaged. The Commission shall likewise inform the Council before making significant substantive changes to Exceptional Assistance Measures already adopted. It shall take account of the relevant policy approach of the Council both in its planning and *in its* subsequent implementation of such measures, in the interests of *consistency* of *the Union's* external action.

- █
6. As *soon* as possible following the adoption of *an Exceptional Assistance Measure*, and in any case within *three* months *thereof*, the Commission shall report to the *European Parliament and to the Council*, █ giving an overview of the nature, *context and rationale of the measures adopted, including the complementarity of such measures to the ongoing and planned Union response*.
 7. The Commission shall keep the European Parliament *duly* informed, *in a timely manner*, about its planning *and implementation* of Union assistance *pursuant to* Article 3, *including the financial amounts envisaged, and shall also inform the European Parliament when making substantial changes or extensions*.
- █

Article 8
Thematic Strategy Papers and Multiannual Indicative Programmes

1. Thematic Strategy Papers shall constitute the general basis for the implementation of assistance under **Articles** 4 and 5. Thematic Strategy Papers shall provide a framework for cooperation between the Union and the partner **countries** or regions concerned **and shall be** consistent with the overall purpose and scope, objectives, principles and policy of the Union.
2. The preparation and implementation of Thematic Strategy **Papers** shall implement the principles of aid effectiveness, **such as** partnership, coordination **and, where applicable,** harmonisation. To that end, Thematic Strategy Papers shall be consistent with, and avoid duplication of, programming documents approved or adopted under other Union instruments for external assistance. Thematic Strategy Papers shall, in principle, be based on a dialogue of the **Union or,** where appropriate, the relevant Member States **with the** partner **countries** or regions concerned involving civil society and regional and local authorities, so as to ensure that the **countries** or regions concerned **acquire** sufficient ownership of the **programming** process. The Union and its Member States shall consult each other at an early stage of the programming process in order to promote consistency and complementarity among their cooperation activities.
3. Each Thematic Strategy Paper shall be accompanied by a Multiannual Indicative Programme summarising the priority areas selected for Union financing, the specific objectives, the expected results, **performance indicators** and **the** timeframe of Union support. The Multiannual Indicative **Programme** shall determine the indicative financial allocations for each programme, taking into account the needs and the particular difficulties of the partner countries or regions concerned. The financial allocations may be given in the form of a range where necessary.
4. Thematic Strategy Papers shall be approved and Multiannual Indicative Programmes shall be adopted by the Commission in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. **That** procedure shall also apply to substantial reviews which have the effect of **significantly** modifying **the** strategy or its programming.
5. The examination procedure referred to in paragraph 4 shall not apply to non-substantial modifications **or technical adjustments** to Thematic Strategy Papers and Multiannual Indicative Programmes **whereby** **, funds are reassigned** within the indicative allocations per priority area, or **the size of the initial indicative allocation is increased or decreased** by **not more** than 20% **but not exceeding EUR 10 million**, provided that **such** modifications do not affect the priority areas and objectives set out in **those** documents. In such case, adjustments shall be communicated **without delay** to the European Parliament **and to the representatives of the Member States in the Committee referred to in Article 11.**
6. The urgency procedure referred in Article 15(4) of the Common Implementing Regulation may be applied for **the purpose of** modifying Thematic Strategy Papers and Multiannual Indicative Programmes where, on duly justified imperative grounds of emergency, a swift response from the Union is required.

7. *Any programming or reviews of programmes taking place after the publication of the Mid-term report referred to in Article 16 of the Common Implementing Regulation (EU No ../..) shall take into account the results, findings and conclusions of it.*

Article 9
Civil society

Preparing, programming, implementing and monitoring measures under this Regulation shall be carried out, where possible and appropriate, in consultation with civil society.

Article 10
Human rights

- 1. *The Commission shall ensure that measures adopted under this Regulation in relation to the fight against terrorism and organised crime are implemented in accordance with international law, including international humanitarian law.***
- 2. *In accordance with the EU Strategic Framework and Action Plan on Human Rights and Democracy, operational guidance shall be developed to ensure that human rights are taken into consideration in the design and implementation of counter-terrorism assistance measures adopted under this Regulation, in particular as regards the prevention of torture or other cruel, inhuman or degrading treatment and respect for due process, including the presumption of innocence, fair trial, and rights of defence. A clear human rights perspective shall also be present in measures addressing cyber-security and the fight against cybercrime.***
- 3. *The Commission shall carefully monitor the implementation of the measures referred to in this Article in order to ensure compliance with human rights obligations and shall include information in this respect in its regular reporting.***

TITLE III
FINAL PROVISIONS

■

Article 11
Committee *procedure*

1. The Commission shall be assisted by *a committee* (the Stability *and Peace Instrument* Committee'). That *committee* shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

Article 12
European External Action Service

The application of this Regulation shall be in accordance with ■ Decision 2010/427/EU, *in particular Article 9 thereof.*

Article 13
Financial *envelope*

1. The financial envelope for *the* implementation of this Regulation over the period 2014 to 2020 *is set at* EUR ■ 2 338 719 000 .
2. *The annual* appropriations shall be authorised by the ■ *European Parliament and the Council* within the limits of the *multiannual* financial framework.
3. In the period 2014 to 2020 at least **70** percentage points of the financial envelope shall be allocated to measures falling under Article 3 *and 9 percentage points shall be allocated to measures falling under Article 4.*

Article 14
Entry into force

This Regulation shall enter into force on the ■ day ■ of its publication in the Official Journal of the European Union.

It shall apply from 1 January *2014 until 31 December 2020*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

For the European Parliament

For the Council

The President

The President

ANNEX TO THE LEGISLATIVE RESOLUTION

STATEMENT BY THE COMMISSION ON THE STRATEGIC DIALOGUE WITH THE EUROPEAN PARLIAMENT¹

On the basis of Article 14 TEU, the Commission will conduct a strategic dialogue with the European Parliament prior to the programming of [add the name of the corresponding ENI, DCI, IPA II, EIDHR, ISP, PI Regulation] and after initial consultation of its relevant beneficiaries, where appropriate. The Commission will present to the Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities*. The Commission will present to the Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities*, and financial allocations for such priorities foreseen in thematic programmes. The Commission will take into account the position expressed by the European Parliament on the matter.

The Commission will conduct a strategic dialogue with the European Parliament in preparing the Mid Term Review and before any substantial revision of the programming documents during the period of validity of this Regulation.

The Commission, if invited by the European Parliament, will explain where Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue.

¹ The Commission will be represented at the responsible Commissioner level

* Where applicable